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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-4, 8-16, 19, 20 and 24-33 are pending in the application.

Claims 1-4, 8-12, 20 and 24-29 have been withdrawn.

Claims 13-16, 18, 19, 22 and 23 have been rejected.

Claim 13 has been amended in this submission. Applicant respectfully asserts that the amendment to the claim adds no new matter.

Claims 18, 22 and 23 have been cancelled in this submission without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserve all rights in these claims to file divisional and/or continuation patent applications.

Claims 30-33 have been newly added in this submission order to further define what the Applicant consider to be the invention. Applicant respectfully asserts that no new matter has been added.

The Telephone Interview

Initially, Applicant wishes to thank Examiner Hylton, for granting and conducting the telephone interview with Applicant's Representative, Guy Yonay, Reg. No. 52,388 and Doron Sieradzki, on August 6, 2008. In the interview, the discussion centered on the slidingly mountable aspect of the invention with respect to the Dikeman reference.

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Drawings Objections

The Examiner has objected to the drawings under 37 CFR 1.83(a), for failing to show a claimed feature (elliptic cross reference of the rod – claim 18). Claim 18 was cancelled in this Response without prejudice or disclaimer, and therefore this objection is now moot.

Double Patenting Objections

In the Office Action, the Examiner has indicated that should claims 15 and 16 be found allowable claims 22 and 23 will be objected under 37 CFR 1.75 as being a substantial duplicate of claims 15 and 16. Claims 22 and 23 have been cancelled in this response without prejudice or disclaimer.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 13-16, 18, 19, 22 and 23 under 35 USC § 103(a), as being unpatentable over Dikeman (US 5,931,456) in view of Senanayake (WO 92/16424). Applicant respectfully traverses the rejection for at least the reasons provided below.

The Dikeman and Senanayake reference have been discussed at length in previous responses, and therefore, will be discussed only briefly herein.

As previously pointed out, the Dikeman reference teaches that the rod is forced into place in the channel. Specifically, the Dikeman reference discloses that “as illustrated in Fig. 8, the closure assembly is placed in the sealed position by positioning the container between the channel element 68 and the rod element 70 and forcing the body 80 of the rod element and the material of the container past the opening 76 into the channel 74 along the length of the channel.” (col. 4 line 66 – col. 5 line 4).

Therefore, the Dikeman reference does not disclose a sealable flexible liquid container system with a sealer that is “slidingly mountable sideways over the rod when the portion of the container adjacent the lateral opening is folded over the rod.”

In response, the Examiner pointed out that the sealer of Dikeman may be capable of functioning in the same slidingly mountable manner as described with respect to the present application. Applicant respectfully disagrees; however, this is moot insofar as the claim has been amended.

Claim 13 as currently amended recites “a sealer comprising an elongated rigid member having two opposite sides along which a hollow passage is extended with a longitudinal slot wherein said slot is adapted to accommodate said two films, wherein the sealer is provided with an opening in the form of substantially parallel lips on at least one of the opposite sides, the distance between the lips allowing the sealer to be mounted only sliding sideways over the rod, whereby when the portion of the container adjacent the lateral opening is folded over the rod, substantially overlapping the adjacent portion of the container, with the lips holding the adjacent portions of the container, liquid in said container is prevented from passing through the lateral opening.”

As discussed below, in addition to the above distinction, there are at least two additional differences between pending claim 13 and the Dikeman reference.

First, claim 13 recites that “the sealer is provided with an opening in the form of substantially parallel lips on at least one of the opposite sides.” This structure is neither present nor obvious based on the Dikeman reference.

Next, claim 13 recites “the distance between the lips allowing the sealer to be mounted only sliding sideways over the rod.” Even if the structure disclosed in the Dikeman reference permitted the rod to be slidingly mounted into the channel – and Applicant believes it did not – there is certainly no disclosure that the distance between the lips allow the sealer to be mounted only sliding sideways over the rod.

Therefore, Dikeman standing alone does not disclose every element of claim 13.

Likewise, method claim 30 recites a “method for sealing a flexible liquid container system . . . the method comprising: . . . providing a sealer comprising an elongated rigid

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member having two opposite sides along which a hollow passage is extended with a longitudinal slot, wherein said slot is adapted to accommodate said two films, wherein the sealer is provided with an opening in the form of substantially parallel lips on at least one of the opposite sides, where the distance between the lips allows for the sealer only to be slidably mounted sideways over the rod when a portion of the container adjacent the lateral opening is folded over the rod . . .; folding the portion of the container adjacent the lateral opening over the rod so as to substantially overlap the adjacent portion of the container; and slidably mounting the sealer sideways over the folded portion of the container and the rod to seal the container.” This method is neither disclosed nor obvious based on the Dikeman reference.

The Senanayake reference fails to remedy these deficiencies. The Senanayake reference discloses that “we provide a sack closure device which includes a first member having sheet material deforming means, a second member having deformed sheet material receiving means and a third member adapted to hold the first and second members together.” (page 4 lines 5-9)

In fact it is evident that both Dikeman and Senanayake suggest a sealer that is pressed against the rod over its entire length, snapping it in position (Dikeman) or holding it by a third element (Senanayake).

Thus, neither Dikeman nor Senanayake, alone or in combination, teach or suggest every element of claims 13 and 30. Therefore, Applicant respectfully traverses the rejection because a prima facie case of obviousness has not been established, and asserts that independent amended claim 13 and independent new claim 30 are allowable.

In any event, even if a prima facie case has been shown, there is objective evidence that the claimed invention would not have been obvious to one of ordinary skill. Objective evidence includes initial skepticism, unexpected benefits of the invention, and ultimately, commercial success and praise for the invention. As described in the declaration of the invention, Mr. Yoram Gill, submitted herewith, the claimed invention was initially regarded

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skeptically, but has met with great success, and has been praised for its efficacy. It has also shown unexpected improvements over the prior art.

In one instance, and as described in the declaration, scuba divers were provided with systems as claimed, into which they were encouraged to place their valuables while diving. Although initially reluctant to do so, they did so and were ultimately “very impressed with the sealing effectiveness of the product.” (Gill Decl. ¶¶ 6, 7). The sealing system is very popular and a commercially successful product. (Gill Decl. ¶5).

In addition, the invention has shown unexpected improvement over the prior art in other respects. As detailed in the declaration, by providing a system whereby “the distance between the lips allowing the sealer to be mounted only slidingly sideways over the rod” (claim 13), the seal remains watertight for longer compared to forcing the rod into the channel, as disclosed by Dikeman. (Gill Decl. ¶¶ 11-14). That is, by closing the seal only by slidingly mounting the rod into a rigid channel, the channel lips are not then damaged or parted. The result is a product that retains its sealing ability for longer than the prior art disclosed by the Dikeman reference.

Therefore, claims 13 and 30 would not have been obvious based on the cited references.

Claims 14-16, 18, 19, 22 and 23 and new dependent claims 31-33 depend from allowable claims, and are therefore likewise allowable. Accordingly, Applicant respectfully asserts that the rejection should be withdrawn.

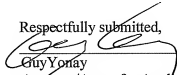
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In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Guy Yoram

Attorney/Agent for Applicant(s)
Registration No. 52,388

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801